

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 9910 of 2007(D)

PETITIONER:

**T.S.JOY, CHIEF ENGINEER (RETIRED),
DISTRIBUTION NORTH, KOZHIKODE RESIDING AT
MARY VLLA, OPPOSITE TO CATHOLIC PRESS,
KATCHERRY P.O., KOLLAM 691 013.**

BY ADV. SRL.JOHNSON GOMEZ

RESPONDENTS:

- 1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.**
- 2. THE CHAIRMAN, THE KERALA STATE
ELECTRICITY BOARD, VYDHUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.**

BY ADV.SHRI.K.S.ANIL, SC, KSE BOARD.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.K.DENESAN, J.

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WP(C) .No.9910 OF 2007-D.

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Dated this the 30th day of March, 2007.

J U D G M E N T

The petitioner retired from the service of the respondent Board on 30-9-2005. He held the office of the Chief Engineer under the Board. He has been sanctioned Death Cum Retirement Gratuity under the provisions of the Kerala Service Rules. It is contended that the petitioner is entitled to claim gratuity under the Payment of Gratuity Act, 1972. Ext.P5 judgment and the judgment of the Apex Court in Municipal Corporation of Delhi v. Dharam Prakash Sarma [(1998)7 SCC 221] are sought to be relied on by the petitioner. According to him, if gratuity is determined under the Central Act, he will be entitled to claim some more amount and that the respondent is liable to pay the differential amount with interest.

2. As rightly contended by the learned Legal Liaison Officer, the Legislature has incorporated appropriate provisions in the Payment of Gratuity Act

to set up proper Forums to adjudicate such disputes. The petitioner shall have to approach the Controlling Authority under the Payment of Gratuity Act and establish his claim according. Therefore, the petitioner is relegated to the Controlling Authority under the Act. As far as the claim for interest is concerned, the position is covered by the decision of this Court in *Vijayakumaran Nair v. State Bank of Travancore* (2005(1) KLT 953). The petitioner will have to approach the Civil Court, if so advised.

With the above observations, this Writ petition is disposed of.

K.K.DENESAN, JUDGE.

kvs/-